

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CIVIL NO. 5:98CV92

JAMES R. BARNES, and wife)	
DOROTHY G. BARNES; GRADY H.)	
BEARD, and wife SUZY M. BEARD;)	
WAYNE BEHELER;)	
JAMES L. COBB, and wife REBEKAH)	
COBB; E.F. GREENE, JR.; JOEANN S.)	
HANCOCK, Individually and as)	
Representative of the Estate of MARION)	
HANCOCK, Deceased; JERRY LEE)	
HEWELL, and wife JANICE HEWELL;)	
VIRGINIA F. HORNE, Individually and)	
as Executrix of the Estate of JIMMY R.)	
HORNE, SR., Deceased; WILLIAM D.)	
JOYCE , and wife PATSY F. JOYCE;)	
ROBERT L. MAUNEY, and wife)	
TERESA MAUNEY; ROGER D.)	
PHILLIPS; GERALD W. RICHARDS,)	
and wife SUSAN H. RICHARDS; LARRY)	
K. BROOME, and wife TREVA E.)	
BROOME; ROGER D. CHURCH, and)	
wife LORETTA H. CHURCH; SHARON)	
C. COBB, Executrix of the Estate of)	
ORVIL L. CUPP, Deceased; and)	
CHARLES M. MCGINNIS, and wife)	
AVA P. MCGINNIS,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
A. W. CHESTERTON, INC., <i>et al.</i>,)	
)	
Defendants.)	
)	

ORDER OF DISMISSAL

THIS MATTER is before the Court on the joint motion of the captioned Plaintiffs and the Defendant A. W. Chesterton, Inc., to dismiss Plaintiffs' claims against that Defendant without prejudice.¹

With the consent of the parties herein,

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is **ALLOWED**, and the captioned Plaintiffs' claims against the Defendant A. W. Chesterton, Inc., are hereby **DISMISSED WITHOUT PREJUDICE**, and this matter is terminated as to that Defendant.

Signed: July 3, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge



¹ The joint motion also lists the Plaintiff Hoy V. Cuthbertson; however, those claims were dismissed by Order filed March 22, 2007.